

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT District Attorney	(2) MEETING DATE 9/24/2013	(3) CONTACT/PHONE Gerald T. Shea, District Attorney 781-5800	
(4) SUBJECT Submittal of a resolution amending Fund Center 132-District Attorney's Office Position Allocation List (PAL) by deleting a 1.00 FTE Supervising Legal Clerk II position and replacing it with a 1.00 FTE Paralegal position			
(5) RECOMMENDED ACTION It is recommended that the Board approve a resolution amending Fund Center 132-District Attorney's Office Position Allocation List (PAL) by: 1) Deleting one full-time (1.00 FTE) Supervising Legal Clerk II position; and 2) Adding one full-time (1.00 FTE) Paralegal position.			
(6) FUNDING SOURCE(S) General Fund	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT (\$351.00)	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. ____) <input type="checkbox"/> Board Business (Time Est. ____)			
(11) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: _____	
(17) ADMINISTRATIVE OFFICE REVIEW Geoff O'Quest, Administrative Analyst			
(18) SUPERVISOR DISTRICT(S) All Districts-			

County of San Luis Obispo



TO: Board of Supervisors

FROM: District Attorney / Gerald T. Shea, District Attorney
781-5800

DATE: 9/24/2013

SUBJECT: Submittal of a resolution amending Fund Center 132-District Attorney's Office Position Allocation List (PAL) by deleting a 1.00 FTE Supervising Legal Clerk II position and replacing it with a 1.00 FTE Paralegal position

RECOMMENDATION

It is recommended that the Board approve a resolution amending Fund Center 132-District Attorney's Office Position Allocation List (PAL) by:

- 1) Deleting one full-time (1.00 FTE) Supervising Legal Clerk II position; and
- 2) Adding one full-time (1.00 FTE) Paralegal position.

DISCUSSION

The District Attorney's Office currently employs two full-time paralegals to support our attorneys in the prosecution of approximately 16,000 cases handled by our office annually. As set forth in detail below, existing duties of the paralegals include ordering and processing discovery, ordering and processing certified records, preparing court exhibits, legal research, and maintaining the District Attorney's legal library. The volume of the current workload exceeds the capacity of the two paralegals to complete such duties in a timely manner. In addition, the workload has increased and will continue to increase as a result of AB 109 Criminal Justice Realignment.

One of the essential paralegal duties is processing discovery in compliance with the legal mandates of Penal Code section 1054.1 and the Constitutional mandate imposed by Brady v. Maryland (1963) 373 U.S. 83, which require that reports and other materials be provided to defense attorneys in every case.

Another primary task of the two paralegals is the ordering and processing of certified records, e.g., prior convictions from other counties or states, probation reports from all counties and states, prison records from CDCR, DMV records, orders from civil and family law courts, transcripts and FTR audio records of court proceedings.

In addition, paralegals prepare court exhibits, such as witness lists, jury instruction charts, and photos or maps which are enlarged and mounted. A paralegal may also be asked to use software to overlay notations of relevant locations to a map or to inset photos. Paralegals also help to prepare PowerPoint presentations which incorporate photos, video clips, and audio clips.

Paralegals also can prepare the paperwork relevant to Governor's Warrants, Extraditions, Rehabilitation applications and Pardon applications. Additionally, our paralegals are involved in the implementation of our new automated case management system (CMS) which is scheduled to "go live" in the fourth quarter.

Among other current paralegal duties is the maintenance of the District Attorney's legal library, which includes updating books, placing updates in hardcover publications, and maintaining legal journals. The paralegals also assist in legal

research in hard copy or online, accessing a specific case or topic, or checking the validity of a specific case.

Because of the implementation of AB 109 Criminal Justice Realignment, it is expected that the paralegal workload will continue to increase. For example, under Realignment the District Attorney's Office has inherited the prosecution of parole violations, which was previously handled by the parole board. Such hearings require ordering discovery and records, and potentially some court exhibit preparation. In addition, the process of ordering records of prior prison incarceration (which is done to prove legal enhancements for prior prison sentences and prior felony convictions), will become much more complex. Previously, prison sentences were only served in the California Department of Corrections and Rehabilitation (CDCR), which maintains records in two repositories, CDCR and CDCR Archives. With realignment, prison sentences will be served in the county jails of all 58 counties in addition to CDCR. Thus, the number of sources from which prison records will be ordered increases from two repositories to 60.

OTHER AGENCY INVOLVEMENT/IMPACT

This request has been coordinated with the County Administrative Office and the Human Resources Department.

FINANCIAL CONSIDERATIONS

There will be no impact to the District Attorney's budgeted level of General Fund Support. In addition, the conversion of a Supervising Legal Clerk II position to a Paralegal position will result in a very minor reduction in costs to the District Attorney budget.

PAL POSITION CHANGES	ANNUAL IMPACT (Salary and Benefits)
Delete 1.00 FTE Supervising Legal Clerk II Position	(\$86,316)
Add 1.00 FTE Paralegal Position	\$85,965
NET ANNUAL DEPARTMENT IMPACT	(\$ 351)

The requested change will delete a position in the San Luis Obispo County Employees Association (SLOCEA) represented Bargaining Unit 05 – Supervisory and replace it with a position in SLOCEA represented Bargaining Unit 01 – Public Services.

RESULTS

As a result of this conversion, the number of paralegals would be increased from two to three. The District Attorney's Office will be able to effectively support our attorneys in the prosecution of approximately 16,000 cases handled by our office annually and absorb the increased workload as a result of AB 109 Criminal Justice Realignment.

ATTACHMENTS

1. FC 132 PAL Resolution